



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Ute Mountain Ute Agency
P.O. Box KK
Towaoc, Colorado 81334



IN REPLY REFER TO:
Office of the Superintendent

_____, Chairman
Ute Mountain Ute Tribe
P.O. Box 189
Towaoc, Colorado 81334

Dear Chairman: _____

The Ute Mountain Ute Agency, Fire and Aviation Management is proposing to issue Level 1 fire restrictions in conjunction with the Ute Mountain Tribal Public Safety Department. The fire restrictions are proposed to be implemented June 19, 2013. The restrictions would be based on a three-stage restriction protocol used by our Durango Fire Dispatch Zone. More restrictive levels could be implemented as fire conditions worsen.

The restrictions are needed to reduce the chance of human caused fires on Tribal land. Level 1 fire restrictions will facilitate the use of BIA regulations by BIA Law Enforcement.

The appropriate level restrictions include all open fires; cultural fires are excluded from the restrictions and will be permitted on a case-by-case basis. Permits that are issued will be approved by the Superintendent and Chairman. (Refer to Appendix A for specific restrictions.)

Level 1 Fire Restrictions are needed because of very high fire weather and fuel conditions. The indices show very high to extreme and any fire start has the potential to become large and a threat to life and property. It is imperative to implement these restrictions to minimize the chance of any new fire starts.

Please contact Joe C. Morris III at (970) 565-4789 or Priscilla Bancroft (970) 565-8473 if you need additional information.

Superintendent

Attachment

cc: Cal Pino, Southwest Regional Office, Fire Management
cc: _____, Office of Law Enforcement Services
cc: John Trocheck, Ute Mountain Ute Tribe, Public Safety

Fire Restrictions

The Bureau of Indian Affairs recommends the attached Fire Restrictions be implemented from June 19, 2013 until conditions warrant an increase in the fire restriction level or until significant rainfall occurs.

These restrictions are necessary because of the extreme fire danger that is the result of an ongoing drought and the current dry weather conditions we are experiencing. Resources for any new fire starts are limited because of the number of ongoing fires throughout the nation.

Any exemptions to the fire restrictions other than those described on the attached Notice must be requested in writing to the Superintendent, Bureau of Indian Affairs, Ute Mountain Ute Agency, and to the Chair of the Ute Mountain Ute Tribe.

Date Restriction implemented **June 19, 2013 Restriction** Level implemented **Stage 1**

Chairman, Ute Mountain Ute Tribe

Date

Superintendent, Ute Mountain Ute Agency

Date

Date Restriction Ended or Rescinded _____ Restriction Level Rescinded to _____

Chairman, Ute Mountain Ute Tribe

Date

Superintendent, Ute Mountain Ute Agency

Date



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IN REPLY REFER TO:
Branch of Forestry

Notice of Stage 1 Fire Restrictions

The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire, campfire, coal or wood-burning stove, any type of charcoal fueled broiler or open fire of any type in undeveloped areas.
2. Smoking, except within an enclosed vehicle or building, in a developed recreation site or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable vegetation.
3. Using explosive material: (i.e. fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.)
4. Welding, or operating acetylene or other similar torch with open flame.
5. Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - a. Department of Agriculture, Forest Service Standard 5100-1a; or
 - b. Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).

The following are exempt from this order:

1. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
2. Persons with a permit authorized by the Superintendent and Chair specifically authorizing the otherwise prohibited act or omission.

Anyone violating the provisions of this fire ban may be subject to prosecution outlined in the USC Title 18. SEC 1855, "TIMBER SET AFIRE" and/ or SEC. 1856, "FIRES LEFT UNATTENDED AND UNEXTINGUISHED."

Violation	Penalties Imprisonment	Maximum Fine
USC Title 18 Sec 1855	Five (5) years	\$25,000

To report fires contact:
Durango Zone Dispatch (970) 385-1324

For more info or to report Fire Restriction Violations contact:
BIA Police Department at (970) 565-3706 or BIA Fire Management at (970) 565-4789.

Superintendent, Ute Mountain Ute Agency

APPENDIX A

STAGE I AND STAGE II RESTRICTIONS

There will be two fire restriction stages: Stage I and Stage II. Stage III denotes area closure. Each agency within a fire restriction area must write its own agency document that authorizes the restrictions within its jurisdiction. Each agency is responsible for using its own format, citing the specific Codes of Federal Regulation (CFR) and United States Code (U. S. C.) and having the appropriate legal counsel review the document to assure it is correct and enforceable. To establish consistency, reduce confusion and standardize restrictions, the following criteria will be used in all restriction documents:

STAGE I The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler or open fire of any type in undeveloped areas.
2. Smoking, except within an enclosed vehicle or building, in a developed recreation site or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable vegetation.
3. Using explosive material: (i.e. fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.)
4. Welding, or operating acetylene or other similar torch with open flame.
5. Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - a. Department of Agriculture, Forest Service Standard 5100-1a; or
 - b. Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).

Possible Exemptions

1. Persons with a written permit specifically authorizing the otherwise prohibited act or omission.
2. Fires in constructed, permanent fire pits or fire grates within developed recreation sites.
3. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
4. Mechanical stoves and appliances fueled by bottled or liquid gas which allow the operator to control or extinguish the flame with a valve are permitted provided that such devices are approved by Underwriters Laboratory Inc.
5. Owners or lessees of land in the restricted area.
6. Residents in the restricted area.

STAGE II The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler or open fire of any type.
2. Smoking, except within an enclosed vehicle or building.
3. Using explosive material: (i.e. fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.)
4. Welding, or operating an acetylene or other similar torch with open flame.
5. Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - a. Department of Agriculture, Forest Service Standard 5100-1a; or
 - b. Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).
6. Operating a chainsaw without a chemical pressurized fire extinguisher of not less than 8 ounces capacity by weight, and one size 0 or larger round pointed shovel with an overall length of at least 36 inches. The extinguisher shall be with the chainsaw operator. The shovel may be kept with the fueling supplies but readily available.

Other possible restricted acts under Stage II

1. Operating a motorized vehicle off designated roads and trails.
2. Operating a chainsaw outside the hours of 5:00 am and 11:00 am.
3. Overnight camping limited to listed campgrounds and recreation sites.
(An attachment of designated sites would be included)

Possible Exemptions

1. Persons with a written permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
3. Mechanical stoves and appliances fueled by bottled or liquid gas which allow the operator to control and extinguish the flame with a valve are permitted provided that such devices are approved by Underwriters Laboratory Inc.
4. Owners or lessees of land in the restricted area.
5. Residents in the restricted area.

STAGE III Reservation Closure

The BIA in conjunction with the Tribe will determine threshold levels that substantiate the need for closures.

Examples include:

- Potential loss of life due to explosive fire conditions.
- Potential for extreme or blowup fire behavior.
- Stage I or State II restrictions are not effective in reducing the number of human-caused fires.
- Resources across the geographic area are at a critical shortage level.
- Proximity to substantial population centers.
- The extent of wildland-urban interface involved.

Appendix B DEFINITIONS

The following definitions are to be used as part of, or referenced to, in the restrictions/closure documents that initiate and authorize a Stage I, Stage II, or Stage III Restriction:

Agency Administrators: The local authority of an office, i.e., Field Manager (BLM), Forest Supervisor (FS), BIA Superintendent, Tribal Chairpersons, etc.

Agency Executives: The Colorado-wide authority of a federal Agency or the Governor of Colorado.

Campfire: A fire, not within any building, mobile home, or living accommodation mounted on a vehicle, which is used for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes. Campfires are open fires, usually built on the ground, from native fuels or charcoal, including charcoal grills.

Chainsaw: A saw powered by an internal combustion engine, with cutting teeth linked in an endless chain.

Closure: The closing of an area to entry or use including designated roads and trails.

Designated Roads and Trails: Those roads and trails that are identified to the public by land management agencies.

Developed Recreation Site: An area that has been improved or developed for recreation. A developed recreation site is signed as a privately-owned commercial campground, tribal or agency-owned campground or picnic area.

Fire Danger Index – Very High: Energy Release Component and the 1000-hour fuel moistures are within the 90-96 percentile range of the weather stations within the geographical area.

Fire Danger Index – Extreme: Energy Release Component and the 1000-hour fuel moisture are greater than 97 percentile range of the weather stations within the geographical area.

Improved Site: An area that has been cleared and has an established fire barrier that restricts fire spread. These areas also include improvements such as picnic tables and/or toilets

Local Area: One of the six geographic areas within the state of Colorado covered by an Inter-Agency Dispatch Center.

Motorized Equipment: Any equipment or vehicle propelled by an internal combustion engine.

Patrol: One or more people who will travel through an area checking for and reporting fires discovered adjacent to and within the area and making public fire prevention contacts.

Permit: A written document issued by an authorized agency representative to specifically authorize an otherwise prohibited act.

Restriction: A limitation on an activity or use.